



Entered on Docket
December 10, 2009

A handwritten signature in black ink, appearing to read "Bruce A. Markell".

Hon. Bruce A. Markell
United States Bankruptcy Judge

Electronically Filed on _____

WILDE & ASSOCIATES

Gregory L. Wilde, Esq.
Nevada Bar No. 004417
208 South Jones Boulevard
Las Vegas, Nevada 89107
Telephone: 702 258-8200
bk@wildelaw.com
Fax: 702 258-8787

and

MARK S. BOSCO, ESQ.
Arizona Bar No. 010167
TIFFANY & BOSCO, P.A.
2525 East Camelback Road, Suite 300
Phoenix, Arizona 85016
Telephone: (602) 255-6000
Wells Fargo Bank National Association, as Trustee under Pooling and Servicing Agreement dated as of
August 1, 2005 Morgan Stanley ABS Capital I Inc. Trust 2005-HE4 Mortgage Pass-Through
Certificates, Series 2005 HE4
09-77077

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Nancy Jones and Tommy Jones

Debtors

BK-07-16494-BAM

Date: 11/10/09
Time: 1:30 p.m.

Chapter 13

ORDER VACATING AUTOMATIC STAY

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceedings is immediately vacated and extinguished for all purposes as to Secured Creditor Wells Fargo Bank National Association, as Trustee under Pooling and Servicing Agreement dated as of August 1, 2005 Morgan Stanley ABS Capital I Inc. Trust 2005-HE4 Mortgage Pass-Through Certificates, Series 2005 HE4, its assignees and/or successors in interest, of the subject property, generally described as 4774 El Canasta Way, Las Vegas, AZ 89121, and legally described as follows:

Lot 79 in Block 1 of El Encanto Unit No. 5B, as shown by map thereof on file in Book 18 of Plats, Page 26 in the Office of the County Recorder of Clark County, Nevada.

Assessor's Parcel No: 161-20-412-023

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give Debtors at least five business days' notice of the time, place and date of sale.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby
2 withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee of
3 the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its secured
4 Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the foreclosure sale.

5 DATED this ____ day of _____, 2009.

6 Submitted by:

7 **WILDE & ASSOCIATES**

8 By: /s/Gregory L. Wilde, Esq

9 **Gregory L. Wilde, Esq.**

10 Attorney for Secured Creditor

11 208 South Jones Boulevard

12 Las Vegas, Nevada 89107

13 APPROVED / DISAPPROVED

14 By: _____

15 Narrah F. Newark

16 201 LAS VEGAS BLVD., S., #350

17 Las Vegas, NV 89101

18 Attorney for Debtor(s)

19 Nevada Bar No: _____

20 APPROVED / DISAPPROVED

21 By: _____

22 Kathleen A. Leavitt

23 201 Las Vegas Blvd. So., #200

24 Las Vegas, NV 89101

25 Chapter 13 Trustee

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1 ALTERNATIVE METHOD RE: LOCAL RULE 9021:

2 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

3 ☐ The court waived the requirements of LR 9021.

4 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
6 unrepresented parties who appeared at the hearing, and any trustee appointed in this case,
and each has approved or disapproved the order, or failed to respond, as indicated below
(list each party and whether the party has approved, disapproved, or failed to respond to the
document):

7 (List Parties)

8 Debtor's counsel:

9 ☐ approved the form of this order ☐ disapproved the form of this order

10 ☐ waived the right to review the order and/or ☒ failed to respond to the document

11 ☐ appeared at the hearing, waived the right to review the order

12 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

13 Trustee:

14 ☐ approved the form of this order ☐ disapproved the form of this order

15 ☐ waived the right to review the order and/or ☒ failed to respond to the document

16 Other Party: _____

17 ☐ approved the form of this order ☐ disapproved the form of this order

18 ☐ waived the right to review the order and/or ☐ failed to respond to the document

19 Breach Order:

20 ☐ This is an Order Vacating the Stay after the Failure to cure a Declaration of Breach. Copies of
21 this proposed order were transmitted to Debtor's counsel and appointed trustee to which
22 they have not replied

23
24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

26 Attorney for Secured Creditor